

**Enrolled Memorandum of the Meeting  
Study Session/Meeting Convened Electronically/In person  
Twenty-Ninth Town Council of Highland  
Monday, September 21, 2020**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met *electronically* in a study session on **Monday, September 21, 2020** at 6:35 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.\*

*\*Special note:* This meeting was convened allowing members of the Town Council to participate electronically without being physically present, to be counted in the quorum and able to simultaneously listen and respond to matters taken up in the meeting, all pursuant to Governor Holcomb's Executive Orders 20-04 and 20-09 extended by Executive Order No. 20-41 allowing meetings to be convened pursuant to IC 5-14-1.5-3.6 for the duration of the Corona Virus COVID 19 emergency. All members of the Town Council were in the plenary meeting room of the Highland Municipal Building, with the Clerk-Treasurer participating remotely but on the premises.

The meeting was streamed live on the Town of Highland, Indiana Facebook page and participation was supported by the Zoom on-line communication platform.

*Silent Roll Call:* Councilors Bernie Zemen, Mark Herak, Mark J. Schocke, Thomas Black and Roger Sheeman were present as indicated. The Clerk-Treasurer, Michael W. Griffin was present (participating electronically but on the premises) to memorialize the proceedings. A quorum was attained.

*Officials Present:* John P. Reed, Town Attorney; (participating electronically); and Peter T. Hojnicky, Police Chief, were present.

*Additional Officials Present:* Larry Kondrat and Ed Dabrowski, IT Consultant (Contract) and Board of Waterworks Directors; were present.

*Guests:* Theresa Badovich and Robin Carlascio of the Idea Factory were also present electronically.

*Other guests:* Officers of the Donald Sheppard Memorial Fraternal Order of Police Lodge 122, Sgt. Sean Anderson, Cpl. Erich Swisher, Officer Dan Matusik, and Officer Rick Hoffman were also present.

**General Substance of Matters Discussed.**

1. **Discuss the Standard Operating Procedure proposals being considered by the Town Board of Metropolitan Police Commissioners.** *Employment procedure for Certified and non-certified police officers and a discussion of "lateral hiring" styled as bridging of service in the Compensation and Benefits Ordinance. (Documents included)*

The Town Council, the Clerk-Treasurer, and the Police Chief discussed what was characterized as "lateral" hiring. The Police Chief shared that the policy change was desirable to improve recruiting of qualified candidates for hire as police officers. The proposal as presented sought to allow for new initial appointments to the Metropolitan Police Department, if the candidate possessed at least 12 months of experience of certified law enforcement experience, to entitle the candidate to transfer or bridge any years of services from the prior employer to be used when calculating the benefits of (1) severance pay upon retirement, (2)

sickness disability leave, (3) vacation leave, (4) longevity pay, and (5) service awards as established by the Town in its compensation and benefits ordinance.

The Town Council discussed the merits of the policy as proposed for the Metropolitan Police Department and its further merits in extending it to all departments.

The Police Chief further indicated that the bridging of the prior service would not apply to departmental seniority and that state law would govern the period tolling for pension vesting. (*Scrivener note: It is noted that Indiana police officers in the 1977 Plan can move to other Indiana police departments without loss of pension tenure.*)

It was noted that there is language in the Compensation and Benefits Ordinance dealing with "bridging" of service but applies to former Town of Highland employees who return after a separation in service. The provision requires a such a worker to work for five consecutive years to bridge to any previously earned years of service.

### § 3.20 Bridging of Service

§ 3.20.01 All service of previous town employment, will be bridged as continuous service after completing five (5) consecutive years of service for longevity and vacation purposes only.

The Town Council reviewed and discussed the following proposed language that could be amended into the Compensation and Benefits Ordinance:

NEW proposal  
§ 3.20.01 All service of previous town municipal, county or state employment of one or more years, will be treated bridged as continuous service after completing five (5) one full consecutive years of service with the town of Highland for all purposes where length of service affects a group employment benefit, with the exception of INPRS pensions and seniority.

It was noted that enabled by state law, IC 36-8-9-7, the Town Board of Metropolitan Police Commissioners had established initial appointments to the police department as probationary.

Councilor Sheeman expressed concern about the language in the proposed amendment.

There was discussion regarding the extent to which this policy would go in all departments.

It was determined a refined draft of the suggested language would be prepared and submitted to the Town Attorney for review.

2. **FOP Presentation:** Discussion of requests for consideration of the Town Council. Officers of the Donald Sheppard Memorial Fraternal Order of Police Lodge 122, Sgt. Sean Anderson, Cpl. Erich Swisher, Officer Dan Matusik, and Officer Rick Hoffman were present. Sean Anderson, President of the FOP, noted that police officers had not received a general raise in three years. Speaking for the FOP, he requested that for FY 2021 that the police at all ranks including the Special First Class Patrol Officer, be granted an across the board 3% increase.

Sgt. Anderson offered that such an action would improve moral and productivity.

Officer Matusik presented a PowerPoint® assisted demonstration that listed the current first class police officer base salaries of ten nearby police departments, listing Highland as sixth from the highest salary in the list of ten departments.

Officer Matusik suggested that if a three percent general increase was granted, it would bring the Town to number two in the list of pay for first class patrol officers from highest to lowest among ten nearby police departments as presented.

Sgt. Anderson further noted that the uniform allowance for the police officers has been the same amount for over ten years. He noted the uniforms and accouterments are increasingly expensive as is the required dry-cleaning. It is noted that the clothing allowance is set in Section 5.19.01 of the Compensation and Benefits Ordinance for uniform and plain clothed personnel at \$950 annually.

3. **Discussion:** *Discussion of ways and means of a general wage and salary increase for the police department.*

Pursuant to a request of the Town Council President, a calculation for the costs associated with an increase of 1%, 2% or 3% for all officers was presented and reviewed. The report further demonstrated the impact upon the increases to employers share of public safety pensions would be less than the amount budgeted in FY 2020, as it was based upon 27 paydays rather than the usual 26 pays. The following report was presented:

POLICE DEPARTMENT ESTIMATES					
Estimated Raise Impacts					
		Increased cost attributable to a raise	Increased cost attributable to a raise	Increased cost attributable to a raise	
		One percent	Two percent	Three percent	
Estimates based upon 37 officers					
** Include retired Chiefs who now pay OADSI					
	Civilian Employees <sup>1</sup>	\$ 69,711.16	\$ 72,761.98	\$ 75,812.79	
	Sworn Employees** <sup>2</sup>	\$ 63,130.12	\$ 76,013.82	\$ 88,897.52	
	<b>Total:</b>	<b>\$ 132,841.28</b>	<b>\$ 148,775.80</b>	<b>\$ 164,710.31</b>	
<sup>1</sup> Civilian costs include FICA and PENSION COSTS where applicable					
<sup>2</sup> Costs include costs of Medicare. Public safety pension calculated separately					
PENSION					
Employer pays for each sworn		If an increase of 1%	If an increase of 2%	If an increase of 3%	
	Budgeted at 39 officers	\$ 13,609.59	\$ 13,230.54	\$ 13,355.54	\$ 13,480.53
	Budgeted in 2020	\$ 530,235.00	\$ 489,529.98	\$ 494,154.98	\$ 498,779.61
			\$ (40,705.02)	\$ (36,080.02)	\$ (31,455.39)
	The above were based upon a 27 pay period	\$ 515,991.06	\$ 520,866.06	\$ 525,740.67	
		\$ (14,243.94)	\$ (9,368.94)	\$ (4,494.33)	

In short, a three percent increase to the police department including its civilians, would cost \$164,710.31. Further the employers' share of public safety pension based upon 3% for 39 officers, would be \$4,493.33 than is in the police budget for 2020.

The Clerk-Treasurer then noted that it has been customary for raises to be town wide and granted to all full-time employees.

The Town Council President asked that the cost for three percent be calculated for all full-time workers and presented at a future time.

The Clerk-Treasurer believed that the three percent could be done, but the budget is merely funded and not balanced owing primarily to the effects of tax caps and the utility rates generally not being able to produce the usual amount of return on investment to the General Fund. The Clerk-Treasurer illustrated the following depiction of income and expenses for the Corporation General Fund for FY 2020:

**GENERAL FUND BUDGETED EXPENDITURES**

	<i>Governance</i>
Clerk-Treasurer	\$ 264,631.00
Town Council	\$ 239,221.00
	<b>\$ 503,852.00</b>
	<i>Planning &amp; Zoning</i>
Inspection & Planning	\$ 372,284
Plan Commission	\$ 71,413
Zoning Appeals	\$ 22,719
	\$ 466,416
	<i>Public Safety</i>
Police Dept	\$ 5,716,532
Fire Dept	\$ 425,980
VIPS	\$ 19,900
	<b>\$ 6,162,412</b>
	<i>Administration</i>
Board of Works	\$ 796,851
Town Hall & Monuments	\$ 30,125
	<b>\$ 826,976</b>
<b>Total:</b>	<b>\$ 7,959,656.00</b>

**GENERAL FUND BUDGETED INCOME**

Property Tax	\$ 5,682,118.00
Other revenues	\$ 2,243,986.00
	<b>\$ 7,926,104.00</b>
<b>NET INCOME</b>	<b>\$ (33,552.00)</b>
JAN CASH BALANCE	\$ 6,522,883.00
OBLIGATED CASH	\$ 686,415.00
JAN CASH ADJUSTED	\$ 5,836,468.00
CIRCUIT BREAKER	\$ (622,415.00)
	<b>\$ 5,214,053.00</b>

The Clerk-Treasurer noted that fund above, would have around \$500,000 less "other revenues" owing to the issue of the utility rates not being able to produce the usual return that is transferred to the General Fund. The Clerk-Treasurer stated that he believed that the raise could be done, but would not be sustainable without the utility rate changes or reductions elsewhere. He noted that the in-balance in the current budget was only \$33,552 before calculating the effect of the circuit breaker credit.

**4. Discussion:** *Review of policy modification for assignment of laptops and electronic tablets. (Existing policies included)*

Noting that iPads had been ordered for the use of the Town Councilors and the several department heads, there was a discussion regarding the current computer use policies and the personal property provisions in force for Highland. A compilation of the policies as excerpted from the Compensation and Benefits Ordinance was presented and reviewed.

It was noted that it was not clear that these provisions would apply to the Town Council since they expressly apply to "employees". Further, there was discussion about a "Use policy" for the Town Council and what to do to replace any lost or damaged asset.

It was noted that three iPads were ordered equipped with cellular functionality. It was further noted that one of the three was ordered noting that at the time of the order, the Town Council President had asked for that feature. After discussion, the

other two were determined to go to Councilor Herak and Councilor Zemen. It was still further noted that the iPads were understood to be personal property of the Town and not of the department heads or the Town Councilors to whom they may be assigned.

The Town Council President and the IT Consultant discussed the desirable elements for a policy if one were to be drafted for the use of the Town Council. Finally, after an extended discussion, there was no affirmation to purchase any extended warranty for the iPads.

- 5. Status of Officer John Swisher's No premium Group Insurance.** *Councilor Herak raised the issue for discussion.* Councilor Herak joined by the Police Chief explained that Officer Swisher owing to a profound automobile collision experienced while Officer Swisher was on duty and on patrol, experienced profound injuries leading to a disability retirement for Officer Swisher. It was further noted that as a public safety retiree, Officer Swisher was entitled to participate in the Town's group health plan, provided that he paid the required premium.

Beginning in 2018, the Town Council passed an enactment allowing his participation in the group benefit without paying the premium. That arrangement will expire on December 31, 2020, without a further action by the Town Council.

The Police Chief further noted that Officer Swisher, was granted a final settlement for his pension, which Officer Swisher had hoped to be at a greater level owing to his assertion that accident led to a catastrophic physical injuries. It was still further noted that the governing statute understood to grant this required further action in order to provide the disability pension desired.

Noting the costs of the premiums, it was suggested that the Town Council allow it for one more year, and to then share with Officer Swisher that this would be the final year of coverage without premium payment. It was further noted that he would remain eligible for the group plan after this provided he tendered the required premium each month.

- 6. Request to Purchase Desk Top Computers.** *Ed Dabrowski, IT Consultant (Contract) presented his periodic request regarding replacement of computers.* The IT Consultant circulated a quote from Dell EMC for 25 Dell Desktops, which would replace roughly 1/4<sup>th</sup> of the computers in use pursuant to the practice of replacement. He further noted that ten of these would be for the Police Department and 15 would be for other departments.

The Town Council discussed the importance of maintaining a written list of computers that are purchased and replaced by serial number and an inventory management process. It was agreed to place the matter for action by the Town Council at its meeting of September 28, 2020.

There being no further business necessary or desired to be discussed by the Town Council, the *electronically convened* regular study session of the Town Council of **Monday, September 21, 2020**, was adjourned by the Town Council President, at 8:17 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO  
Clerk-Treasurer